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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,064	01/15/2002	Gunnar Hamber	P 290629110068701US	1126
909	7590	03/02/2005	EXAMINER	
PILLSBURY WINTHROP, LLP P.O. BOX 10500 MCLEAN, VA 22102			HEWITT II, CALVIN L	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 03/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<i>R</i> <b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/050,064	HAMBER, GUNNAR
	<b>Examiner</b>	<b>Art Unit</b>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 15 January 2002.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-26 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-26 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

***Status of Claims***

1. Claims 1-26 have been examined.

***Claim Objections***

2. Claims 1-26 are objected to because of the following informalities: Claims include references to figures (e.g. access server (60), secure domain (70, 80)). Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 14 recite a system and method for providing an “authority” and requiring the “authority”. However, to one of ordinary skill it is not clear what “authority” the user is granted. Therefore, for purposes of examination the Examiner is interpreting “an authority” as “an authority to access a secure

domain" and "requiring the authority through..." as "requiring authorization to access said secure domain....".

Claims 2-13 and 15-26 are also rejected as they depend from claims 1 and 14, respectively.

Claim 14 recites conditional language. Specifically, claim 14 recites providing an access key pair to a user if one of a certificate or identification data is authenticated. However, claim 14 does not provide one of ordinary skill how the method is to perform if the user is not authenticated. Thus the scope of claim 14 is not clear. Conditional language comprises two scenarios an "if", for example, and an "if not". For purposes of examination the Examiner is considering the "if not" case.

Claims 15-26 are also rejected as they depend from claim 14.

5. Claims 11-13 and 24-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 11-13 and 24-26 recite the limitation "user level privilege" in line 1. There is insufficient antecedent basis for this limitation in the claims.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aieta et al., U.S. Patent No. 6,839,689 in view of Mendez et al., U.S. Patent No. 6,708,221.

As per claims 1-26, Aieta et al. teach a system for providing a user an authority to a secure domain comprising:

- an interface to the user requiring authorization to access said secure domain through an access code (figure 4; column 4, lines 56-67; column 6, lines 42-52)
- an access server for providing at least one (previously) stored key pair to an authenticated user (figures 1 and 2; column 5, lines 1-12; column/line 5/55-6/18; column 6, lines 42-52; column 7, lines 5-28) for providing an authenticated user (column 6, lines 42-47) access to the secure domain (column 7, lines 5-10)
- means for checking access privilege data for the authenticated user (column 5, lines 1-12; column/line 7/60-8/8)

- an access key pair for allowing an authenticated user to access the secure domain (column 5, lines 1-12)
- an access key pair that allows a user to encrypt, digitally sign and authenticate (column 5, lines 1-12) data relevant to the secure domain in correspondence to a user level of privilege (column 5, lines 1-12)
- an interface to an authority for validating user-credentials (figure 4; column 4, lines 56-67; column 6, lines 42-52)

Regarding “a virtual smart card for storing an access key pair” the server prior to sending a key pair to a user over a network (figure 1; column 7, lines 5-13) necessarily stores the keys in a file. To one of ordinary skill this file “comprises” the access key pair. thus it also serves as a virtual smart card. Regarding encryption keys only used for a single transaction, the Examiner takes Official Notice that “one-time” pads or single-use keys are old and well known. Aieta et al. do not specifically recite authenticating a user using a certificate. However, Aieta et al. do teach a user logging on (i.e. providing an access code) to an access server (column 6, lines 42-47). Mendez et al. teach a method and system for authenticating users through user certificate and identification data (column 12, lines 18-45) that corresponds to an access code (column 8, lines 30-55). Mendez et al. also teach determining user access to additional services using stored access privilege data (e.g. certificate, identification data, and priority,

access or security level) (figure 6; column 9, lines 58-65; column 12, lines 4-65).

Therefore, it would have been obvious to one of ordinary skill to combine the teachings of Aieta et al. and Mendez et al. in order allow users to more securely access ('221, column 3, lines 55-63) the agent of Aieta et al. ('689, figure 1, item 130) and protect agent provided services data, such as private user information ('689, figure 3; column 7, lines 53-60) that is to be sent to a server .

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Messing teaches an electronic certificate signature program
- Van Oorschot et al. teach a method and system for accessing user specific information
- Hartman Jr. teaches a database for storing keys

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Calvin Loyd Hewitt II whose telephone number is (703) 308-8057. The Examiner can normally be reached on Monday-Friday from 8:30 AM-5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, James P. Trammell, can be reached at (703) 305-9768.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
c/o Technology Center 2100  
Washington, D.C. 20231

or faxed to:

(703) 305-7687 (for formal communications intended for entry and after-final communications),

or:

(703) 746-5532 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park 5,  
2451 Crystal Drive, 7th Floor Receptionist.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

Calvin Loyd Hewitt II  
February 24, 2005